

Included Engaged and Involved: Preventing and Managing School Exclusions

POLICY: June 2023

Preface

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Throughout this document the term 'parent' is used to denote any guardian and any person who is liable to maintain or has parental responsibilities in relation to, or has care of a child or young person (in line with the definition from Section 135 (1) of the Education (Scotland) Act 1980)

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1 Introduction

East Lothian Council is committed to providing the best education service in Scotland through a relentless focus on inclusion, achievement, ambition and progress for all. We strive for all learners to be included, engaged and involved in their education to achieve the best possible outcomes and reach their full potential. We aim to ensure East Lothian's children, young people and families are confident and resilient, and fully included as valued contributors within their schools and communities.

East Lothian Council is committed to providing safe, positive and inclusive learning environments where respect is shown to and is given by all children, young people, staff and parents. This is based on a shared approach of *'getting it right for every child'* and agencies working together and responding to the needs of learners early and effectively.

The purpose of this document is to provide guidance to schools regarding positive approaches to preventing and managing school exclusion with the ultimate aim of reducing the practice of exclusion in our school.

1.1 Legislative Context

The national legislative and policy frameworks with respect to matters involving exclusion includes, but is not limited to, the following:

- *Regulations 4 and 4a of the Schools General (Scotland) Regulations 1975* as amended and *the Schools General (Scotland) Amendment (No. 2) Regulations 1982* set out the conditions in which the power to exclude a pupil from a school and the requirements on local authorities where a decision to exclude has been taken.
- *The Age of Legal Capacity (Scotland) Act (1991)* provides that a young person over the age of 12 is presumed to have legal capacity to instruct a solicitor in connection with any civil matter therefore can take forward in their own right an appeal against a decision to exclude.
- *The Standards in Scotland's Schools etc. (Scotland) Act 2000* gives the right of every child to be provided with school education. The Act also underlines the importance of taking into account the views of children and young people in decisions that affect them.
- *The Education (Disability Strategies and Pupil Records) (Scotland) Act 2002* requires Local Authorities to make reasonable adjustments for the needs of disabled children and not discriminate against disabled children.

- The *Education (Additional Support for Learning) (Scotland) Act 2004* (and subsequent amendments in 2009 and 2018) outlines the functions and duties that are placed on Local Authorities to identify and support children and young people with Additional Support Needs at all times including periods of exclusion.
- The *Equality Act (2010)* protects children and young people with ‘protected characteristics’ (e.g. age, race, disability and sexual orientation) from discrimination in all aspects of school life including access to school trips and activities as well as in matters regarding exclusion.
- The *Children and Young People Act (2014)* has wide reaching duties to ensure Local Authorities take a holistic approach to the wellbeing of all children and young people including in matters regarding exclusion. The Act introduced a range of corporate parenting responsibilities to promote the wellbeing of care experienced children and young people that need to be considered with respect to their exclusion.
- *Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions (2017)* provides Scottish Government guidance on approaches that can be used to prevent the need for exclusion, ensuring all children and young people are Included, Engaged and Involved in their education and summarises the legislative duties placed on Local Authorities regarding exclusion from school.
- *The United Nations Convention on the Rights of the Child (1989)* places a duty on Local Authorities to ensure that children’s rights are considered in matters regarding exclusion:

Article 2, Article 14 - Non-discrimination the need to ensure that children and young people at risk of exclusion do not face discrimination in relation to either the process or accessing education;

Article 3 - Best interests of the child whereby practitioners must act in the best interests of all children and young people both in terms of responding to individual behaviours and in terms of those impacted by such behaviour;

Article 6 - The right to life, survival, and development the need to minimise the impact of exclusion on individual children and young people and mitigate all detrimental risks that missing education, even for a short period, can have on a learner’s wellbeing and development and;

Article 12 - The right to be heard the rights of the child to express their views freely in all matters affecting them should be fully respected and implemented throughout the process and period of exclusion.

- *The Promise Scotland (2021)* sets out our actions and commitments to keep the Promise for care experienced children, young people and their families. It contributes to our ambition for every child in Scotland to grow up loved, safe and respected so that they realise their full potential. There is strong reference to reducing, and ultimately ending, the exclusion of care experienced children and young people.

- The *National Child Protection Guidance 2021* states the importance of all agencies working with children and their families having a shared responsibility for protecting children and promoting, supporting and safeguarding their wellbeing. This is of particular importance during periods of exclusion as absence from school may increase risk of harm.

1.2 Key Rights, Duties and Principles

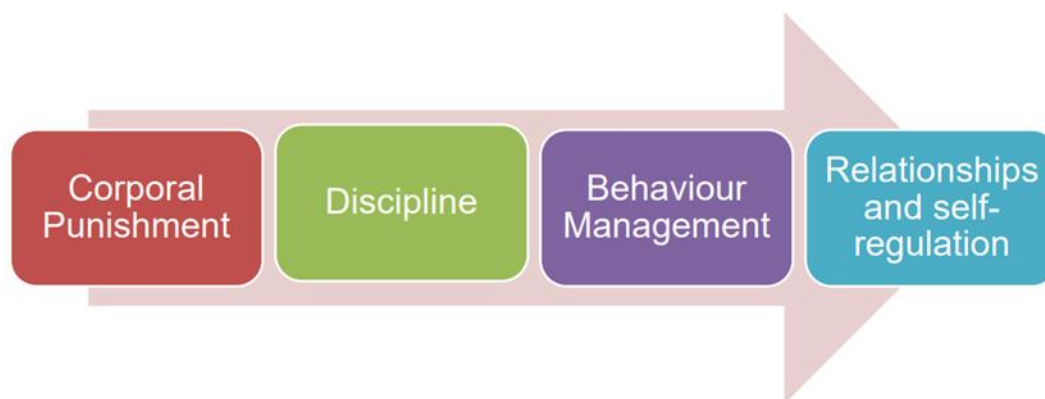
There are a number of key rights, duties and principles that underpin this policy:

- East Lothian Council has a legal duty to provide an education to all children and young people up to the age of 16-years (subject to school leaving dates);
- A commitment to a whole school approach of prevention, early intervention and support as the context for the promotion of positive relationships, learning and behaviour;
- All children and young people need to be included, engaged and involved in their learning;
- The wellbeing of children and young people is integral to everything schools do;
- Everyone in a school or learning establishment should feel they are in a safe and nurturing environment;
- All pupils have the right to get the support they need to benefit fully from their education and fulfil their potential;
- Exclusion should be the last resort; it should be for as short a time as possible, and always have a positive, purposeful intention for the learning and wellbeing of the pupil;
- Exclusion should not be viewed as punitive;
- Where exclusion is used, it should be as a proportionate response where there is no appropriate alternative and the wellbeing of the pupil should be a key consideration;
- The time during and after the exclusion period should be used constructively to resolve the situation and ensure positive and appropriate support is in place;
- At all times a commitment to the United Nations Convention on the Rights of the Child should be demonstrated and developed;

- Exclusion will be managed in accordance with legislation.

2 Positive Relationships and Behaviour

Our Positive Relationships and Behaviour Policy is informed by developments in the Scottish Policy Context, as illustrated below:



A whole school ethos and culture where children and young people feel included, respected, safe and secure, where their achievements and contributions are valued and celebrated is essential to the development of positive relationships and behaviour. In order to create this environment for effective learning and teaching there should be a shared understanding of wellbeing, underpinned by Children’s Rights, and a focus on positive relationships across the whole school community. Schools must work in partnership with parents and carers to develop and deliver ways of working together that support and promote positive relationships, communication and co-operation.

The majority of pupils who are excluded from East Lothian schools are excluded for reasons relating to relationship breakdown such as:

- Verbal Abuse of Staff
- General or persistent disobedience
- Insolent or offensive behaviour
- Verbal abuse of pupil

Adverse Childhood Experiences (ACEs) studies have revealed that ACEs are extremely common and impact many of us. The difficulties that many of our pupils face are not behavioural, but regulatory. To be effective, we need to respond to the behaviours that pupils present with through a reflective and compassionate lens at all times: when things are going well and also when they are not. We need to ask not only ‘what happened?’ but ‘why did that happen?’

Schools who promote positive relationships across the classroom, playground and wider school community have an ethos and culture that is essential for creating the right environment for effective learning, health and wellbeing; thereby reducing the need for school exclusion. Children and young

people are more likely to develop self-confidence, resilience and positive views about themselves where open and respectful relationships exist between adults and other children and young people.

“...Our focus is very much on prevention and early intervention, and environments that engage with young people, promote respect, celebrate difference and encourage positive relationships and behaviour are key in supporting our young people.”

(Shirley-Anne Somerville, 2022)

The starting point for promoting positive relationships and behaviour is the delivery of a coherent and inclusive curriculum, effective learning and teaching, a whole school ethos based on positive relationships and a commitment to inclusion. This should be central to the vision and values in all schools and be demonstrated through planning and school improvement over time. It is the responsibility of all staff to contribute to this within their setting and role.

Research indicates a link between wellbeing and attainment, for example:

- Learners with better health and wellbeing are likely to achieve better academically
- Effective social and emotional competencies are associated with greater health and wellbeing, and better achievement
- The culture, ethos and environment of a school influences the health and wellbeing of learners and their readiness to learn

East Lothian’s ambition for an inclusive ethos and practice across all its learning establishments is firmly rooted in everyone’s contribution being valued and everyone’s voice being heard. Our drive to develop schools with a positive ethos is aligned with our drive to raise attainment. The two are inextricably linked. In building a more positive school ethos we will expect East Lothian schools to have higher expectations of themselves and their learners; build on current success in attainment and; enable greater levels of achievement. As a result, our schools should see higher levels of engagement, and lower levels of exclusion and challenging behaviour.

2.1 Recognising and Realising Children’s Rights

The United Nations Convention on the Rights of the Child (UNCRC) (1989) is a comprehensive and internationally binding agreement on the rights of children. It is based on equality, dignity, respect, non-discrimination and participation.

Our ambition is to ensure every school is a place where children’s rights are taught, observed, respected, protected and promoted.

All of East Lothian's schools are expected to be registered with of UNICEF's Rights Respecting School Award (RRSA) programme. <https://www.unicef.org.uk/rights-respecting-schools/>.

The benefits of this programme will be felt both in the school and wider community and include:

- All children and adults learn about the UNCRC and the overarching set of values which should bring change to the whole school character and atmosphere, improving the climate for learning;
- Positive relationships between learners and staff will be enhanced due to the rights respecting language;
- Learners' self-esteem and feelings of being valued improve;
- Increased levels of respect for each other with a better understanding of protected characteristics including religions, cultures and abilities which are different to their own;
- Improved attainment, attendance and a reduction on exclusions;
- The school develops a rights respecting ethos and children are empowered to become active citizens and learners;
- It strengthens a consultative approach and a platform for better parental engagement and discussion as well as collaborative working;
- A feeling of empowerment for both adults and learners.

2.2 Whole School Nurture

Whole school nurture is a broad approach that can be embedded throughout schools to support any child who may be facing a barrier to learning. A child or young person may experience an additional support need at any point, which may arise from a range of factors (disability or health, learning environment, family circumstances or social and emotional factors) and may be temporary or long-lasting. Nurturing schools create positive environments, where the ethos is focused on warmth, empathy and attuned interactions between all staff and pupils. They provide structure and boundaries, alongside consistently high expectations of all learners, recognising that all children can reach their full potential when given the right balance between care and challenge.

“Nurturing and trauma-informed approaches can have a positive impact on attainment and social and emotional competences and confidence. At the heart of nurture and being trauma-informed is a focus on wellbeing and relationships and a drive to support the growth and development of children and young people, many of whom come from areas of disadvantage and require additional targeted support to close the equity gap”.

(Education Scotland Nurturing Approaches, 2023)

Education Scotland's *Applying Nurture as a Whole School Approach* provides a key framework to support schools to embed whole school nurture. Through a set of quality indicators and challenge questions this framework supports schools to self-evaluate all areas of practice (e.g. leadership, learning and teaching, partnership working etc.) using the six nurture principles:



Embedding a nurturing approach can help support children and young people's attendance and engagement and prevent school exclusions. It is fundamental to inclusive practice. It is expected that all schools in East Lothian will move towards becoming Nurturing Schools. This is reflected in the East Lothian Pedagogy Sails, with the 'Relationship Sail' expressing the values and practice related to the six nurture principles that we are working to develop.

2.3 Restorative Approaches

Restorative approaches are *values* led and *needs* based. They can be seen as part of a broader ethos or culture that identifies strong, respectful relationships and a cohesive community as the foundation on which good learning and teaching can take place. In such a community the rights of children and young people are paramount, and they are given responsibility for decision-making in issues that affect their lives, their learning and their experience of school. The aim of restorative approaches is to build community and to manage conflict by nurturing and maintaining relationships.

"Restorative Approaches have come to be used in education to mean restoring good relationships where there has been conflict or harm; and developing school ethos, policies and procedures that reduce the possibilities of such conflict and harm occurring"
(McCluskey et al, 2011)

Restorative Approaches can be viewed as a whole school ethos and culture underpinned by the following principles and values:

- Strong, mutually respectful relationships and a cohesive community provide the foundations for good learning and teaching
- Children and young people's rights are paramount, and they should be involved in making decisions
- Children and young people change – and their behaviour can change
- The way adults work with and relate to children and young people can influence their thoughts, feelings, and actions
- Mistakes are expected and are seen as a normal part of the learning process. All pupils should be viewed with unconditional positive regard – it's the person that counts, not the behaviour.

When pupils are excluded, isolated or 'punished' in some other way, there is often the expectation that the pupil will take responsibility for his/her actions and regulate their behaviour in future. However, studies have shown that exclusion is ineffective in changing students' behaviour (McCluskey, 2008). This requires a paradigm shift to address conflict and harmful situations in a way that, at the very least, does not harm relationships, and at best, builds and repairs them. Furthermore, there are better ways to support regulation. At worst the practice of exclusion or isolation causes harm by perpetuating a negative cycle of shame and increasing levels of dysregulation.

“Angry confrontations and punishment can at best temporarily halt unacceptable behaviours, but since the underlying alarm system and stress hormones are not laid to rest, they are certain to erupt again at the next provocation.”

(Van der Kolk 2015, p.353)

Restorative Approaches are considered a pedagogical tool, where children and young people are actively supported to develop skills in resilience and relationship building. They support learners to reflect, take responsibility for their actions and show empathy for others, which is at the heart of all positive relationships (Kane et al, 2007).

This is inherent in high quality learning and teaching where differentiation and support is provided to learners to meet their needs where they are at, not where they are expected to be. This also links with the nurture principles above that 'learning is understood developmentally' and 'all behaviour is communication'.

2.4 Child's Planning Framework

A partnership approach delivered through the Child's Planning Framework is fundamental to preventing, or establishing alternatives to, exclusion. This is consistent with GIRFEC and recognises the complexity of the lives of some of our children and young people. When distressed and challenging behaviour is increasing, the team around the child or young person need to work collaboratively to consider how best to modify behaviours through identifying and addressing any root cause factors. For this holistic approach to assessment of wellbeing to work it is essential that partners have a clear understanding of their roles within the legislative framework and have a shared understanding of thresholds of intervention.

Schools should work in close partnership with parents/carers in the assessment and support of children with wellbeing needs.

School staff should work with statutory partners, community partners and/or other third sector organisations to review the wellbeing needs of a child or young person and how these can be best met. All partners have a valuable role to play in this as they may be able to contribute information if the child or young person's behaviour is being affected by situations out with the school environment. This collaboration can also help in the designing and implementing of a flexible and relevant learning pathway. Those at risk of multiple exclusions are often in need of a clear multi-agency focus on their learning progression. Whilst assessing need, the partners around the child and young person should consider wellbeing in the widest sense and how this is impacting on learning, to inform learning and support pathways. A child or young person's needs may necessitate a flexible approach as to how and where learning takes place. In this situation the responsibility for ensuring that this learning is appropriate, relevant and progressive continues to rest with the school.

Further information, guides and documentation can be found on our GIRFEC site:

<https://sites.google.com/edubuzz.org/girfecineastlothian/planning-documents>

3 Consideration of Individual Circumstances

Individual circumstances must be taken into account when excluding a child or young person from school, particularly with regard to those children and young people who have additional support needs, a disability, are care experienced, where there are child protection concerns and when the child or young person has 'protected characteristics'

It is important for staff to investigate exceptional circumstances for individuals, such as bereavement or experience of abuse. In these cases, exclusion may exacerbate a child or young person's distress and be an inappropriate action; instead support should be identified.

While individual circumstances must be taken into account, the grounds for exclusion are the same for all children and young people.

Appendix 8 outlines a set of challenge questions that may be helpful when considering individual circumstances.

3.1 Additional Support Needs and Disability

The Education (Additional Support for Learning Act) (Scotland) Act (2004, 2009) places specific duties on Education Authorities to provide adequate and efficient support to ensure that all learners benefit from school education. This duty to make reasonable adjustments for children and young people with additional support needs and disability is anticipatory therefore schools need to think in advance about what disabled pupils might require and what adjustments might need to be made for them.

Making reasonable adjustments may require changes to school procedures and policies. It may be necessary to disregard behaviour which is a direct consequence of a learner's disability e.g. disregarding swearing in class by a learner with Tourette's syndrome. Effective information sharing with all staff will be crucial in supporting the learner and consideration should be given as to how to share appropriate information with other children and young people. The duty to make reasonable adjustments requires a school to take positive steps to ensure that pupils with additional support needs and disabilities can fully participate in the education provided by the school, and that they can enjoy all the benefits, facilities and services that the school provides for other pupils.

In considering the exclusion of a learner with a disability, as defined by the Equality Act 2010, staff should ensure that they comply with provisions of the Act in relation to discriminatory behaviour in the context of exclusion from school.

The Equality Act 2010 does not prohibit schools from excluding children or young people with particular protected characteristics, but it does prohibit schools from excluding children or young people on the specific grounds of behaviour resulting from their protected characteristic. In addition,

it prohibits schools from discriminating against these children during the exclusion process. It is likely to be difficult to show that exclusion was an appropriate and proportionate response in these situations without such evidence.

Discrimination arising from disability occurs where a learner is treated unfavourably because of something arising in consequence of their disability, such as a behaviour, and the action taken to exclude cannot be justified. Excluding a disabled learner for behaviour which arises from their disability is likely to result in unlawful disability discrimination, unless it can be shown that the exclusion was a proportionate means of achieving a legitimate aim.

A learner with ADHD being excluded for refusing to sit at their desk, distracting other learners by talking and running around during classes, is likely to be unlawful as they were excluded for behaviour which is related to their disability. The action is unlikely to be viewed as a proportionate means of achieving a legitimate aim as no other efforts were made to support them by means of reasonable adjustments. It is a school's responsibility to make reasonable adjustments to enable learners to be successful. Therefore, in situations where supports are in place but a behaviour that puts others at risk still happens, for instance a learner with ADHD who has an appropriate package of support in place but still assaults another learner and/or staff, then an exclusion may be justified because the aim of the exclusion is to ensure the health and safety of others.

- With thanks to Perth and Kinross Council for permission to use this example

In considering the exclusion of a learner with additional support needs, school staff should take into account the potential impact of the loss of both their learning, and provision of support. The named person or lead professional should be aware of the arrangements in place with other agencies, such as Speech and Language Therapy Service or School Counselling, in making provision and take into account the impact of any disruption to the provision of these services to the learner and to the services themselves.

Learners with additional support needs and disability must be allowed to continue to access any therapeutic support such as physiotherapy, speech and language therapy, school counselling as ongoing and necessary support and intervention. The exclusion does not affect the Local Authorities duty to provide these services therefore such provision should continue regardless of the exclusion. Consultation with any other Service providers, in order to maintain provision to an excluded learner, should take place prior to the exclusion and plans put into place to ensure limited disruption to the provision.

Staff should be aware that a period of exclusion from school creates a transition point for children and young people with additional support needs and disability which can be particularly challenging for some learners. In considering an exclusion from school, transition planning should be factored into the plans for return to school.

Where a learner with additional support needs or disability is at risk of exclusion school staff should balance the case for exclusion with the needs to take all reasonable steps to secure that appropriate provision is in place to meet their needs. However, this additional consideration would not prevent exclusion where this is deemed absolutely necessary.

Further advice and guidance can be provided by the school's Education Support Officer.

3.2 Care Experience

Understanding the specific needs and individual circumstances of the child or young person who are care experienced is essential. Exclusion can mean that their already potentially challenging circumstances will be exacerbated and an additional loss of learning will take place alongside a harmful impact on their wellbeing.

“The formal and informal exclusion of care-experienced children from school must end. Schools and Local Authorities must do everything required to support children to build positive relationships at school and maintain attendance, engagement and learning in a meaningful and supportive way. Schools in Scotland must also not exacerbate the trauma of children by imposing consequences for challenging behaviour that are restrictive, humiliating and stigmatising”

(The Independent Care Review, 2021)

Care experienced children and young people can be vulnerable to experiences of rejection, which then decrease their resilience and ability to trust adults. Exclusion feeds into this process, creating more barriers for the child in question to be able to develop a sense of belonging in a school. Ironically, this is more likely to lead to further behaviour communicating the distress they feel.

The exclusion of care experienced children and young people requires additional consideration since exclusion from school may have a significant impact upon their home lives. It may place additional pressures on them, parents and for some, removes the ability for school to be a protective factor. East Lothian Council has legal duties to ensure that care experienced children and young people have the same access to educational opportunities as other children and young people. These Corporate Parenting responsibilities include making additional arrangements to overcome disadvantage and participation in education in the broadest sense.

Staff must discuss any potential decision to exclude a care experienced child or young person with the designated Social Worker and Lead Professional (if different) in order to allow for a full consideration of individual circumstances to take place. This must be done before the decision to exclude is made. It is good practice to inform the Education Support Officer for Care Experienced Children and Young People of the decision to exclude.

There are particular responsibilities and considerations for the Corporate Parent regarding the exclusion of a care experience child or young person. Staff should be able to answer the question *“would this be good enough for my child?”* to ensure that the welfare of the child or young person is paramount in making decisions.

3.3 Child Protection Register

In considering the need to exclude a learner who may be on the Child Protection Register or for whom there are current or previous child protection concerns, the Designated Member of Staff for Child Protection within the school should be informed and involved in the decision-making process.

Any decision to exclude a child or young person where there are child protection concerns must be done with a strong focus on safeguarding and the knowledge that school can be the safest place for a child or young person to be. Senior Leaders must discuss any potential decision to exclude a learner on the Child Protection Register or for whom there are current or previous child protection concerns with the named Social Worker or the Duty Social Work team. This must be done prior to the child or young person being sent home in order to ensure any risks to their health and wellbeing immediately, and throughout the period of exclusion from school is reduced. Particular consideration should be given to the length and scheduling of any exclusion to reduce the amount of time the child or young person will not be seen by education staff.

In all cases where a decision to exclude has been taken staff should, in collaboration with Children’s Wellbeing Services, prepare a risk assessment to ensure the child or young person will not be placed at further risk while excluded.

3.4 Young Carers

Understanding the specific needs and individual circumstances of a young carers is essential if considering an exclusion from school. For a young carer, an exclusion from school can exacerbate an already challenging situation at home and presents an additional loss of learning. It may be helpful to liaise with the young carers trusted adult when considering exclusion of a child or young person who is a young carer.

3.5 Equity

The defining mission of the Scottish Attainment Challenge, through the use of the Scottish Equity Fund, is to use education to improve outcomes for children and young people impacted by poverty, with a focus on tackling the poverty-related attainment gap.

Senior Leaders must take into account the impact of exclusion on this work and on the individual children, young people and families concerned. Exclusion may have an immediate impact on the wellbeing of children and young people living in areas of socioeconomic deprivation. Factors which should be considered include the provision of food for children and young people entitled to free school meals, children and young people being prevented from accessing the security and continuity of school environment, and the impact on parents' ability to work during the period of exclusion and how this might impact on the family in terms of finance and security. Consideration should therefore be given to the impact exclusion may have on a learner in receipt of Educational Maintenance Allowance.

It is the responsibility of the school to ensure arrangements are in place for the provision of free school meals for excluded children and young people during a period of exclusion.

4 Exclusion Procedures

The power to exclude rests with Local Authorities under Regulations 4 of the Schools General (Scotland) Regulations 1975 as amended. In addition to schools, this also applies to early learning and childcare settings under the management of education authorities, although the use of exclusion in such settings would be very unusual and would not reflect high quality inclusive practice.

The procedures outlined in this policy apply equally to all establishments and must be complied with in full. Any divergence from the procedures may result in the exclusion being defined as unsound, resulting in the child or young person being reinstated without delay in the school and the exclusion being removed from their school record.

East Lothian Council delegate the power to exclude children and young people from school to delegated Senior Leaders - the Headteacher in primary schools and the Headteacher and Depute Headteacher(s) in secondary schools.

Exclusions generally fall into one of two categories: sudden, unexpected but serious incidents or on-going difficulties over an extended period where other supports have not had the desired effect.

The Senior Leader carrying out an exclusion should be aware that they may be required to justify the decision as part of the appeal's procedure and potentially in a court of law should the case go to the Education Appeal Committee, the Sheriff Court or the Additional Support Needs Tribunal for Scotland.

Senior Leaders, when deciding whether exclusion is necessary, must have regard to the particular facts and individual circumstances surrounding incidents and/or learners. Appendix 9 and 10 provides a range of challenge questions for school staff to assist with decision making.

Procedures for excluding learners are available on the council's website and within individual schools' handbooks and websites.

4.1 Grounds for Exclusion

Regulation 4 of the Schools General (Scotland) Regulations 1975 (as amended 1982) states that an Education Authority **shall not exclude** a child or young person from school unless the authority:

1. "are of the opinion that the parent(s) of the child/young person refuses or fails to comply, or to allow the child/young person to comply, with the rules, regulations, or disciplinary requirements of the school" or;
2. "considers that in all the circumstances to allow the child/young person to continue attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there."

Senior Leaders must be able and prepared to justify that any exclusion is a proportionate means of achieving a legitimate aim – a legitimate aim may be to ensure the health and safety of children and young people and staff within a school.

Exclusion should only ever be used as a last resort. In most cases, the school should be able to demonstrate the support put in place to avoid exclusion: there should be clear evidence of the monitoring and evaluation of this support, over time. Exclusion should be a proportionate response where there is no alternative.

The law does not differentiate between temporary and permanent exclusion. In some serious cases, where the exclusion cannot reasonably be resolved and where exceptional circumstances are so severe that the child or young person cannot be readmitted to the school, the Senior Leader should refer to their link Education Support Officer (Inclusion and Wellbeing) who will investigate and make recommendations to the Head of Education, as to whether the child or young person should be removed from the register of that school. In such cases, this should be managed as quickly as possible to avoid unnecessary gaps in educational provision. Schools must still offer a date and time for a Support and Next Steps meeting as with all other exclusions. In the event of a child or young person being removed from the register of a school the education authority must make alternative arrangements for that child or young person's education which may include registration at another East Lothian Council school.

4.2 Sending Home without Exclusion

Exclusion from school of a pupil other than in compliance with the Schools General (Scotland) Regulations 1975 is illegal. Accordingly, there is no legal basis for what might be termed 'informal exclusions' 'cooling off periods' or 'temporary exclusions'. All instances where parents are requested to not take a child to school or to take a child home from school, for all or part of the day are forms of exclusion and should be recorded as such.

The only exception to this is when a child or young person is unwell, physically or mentally, whereby parents should be asked to collect their child and seek appropriate medical support. This should then be recorded as self-certified.

In exceptional circumstances, a parent may support their child in distress and choose to take their child home before the end of the school day. This should be recorded as above. This should be carefully monitored, and if a regular occurrence must be formally recorded as an agreed temporary intervention either on a Child/Young Person's Plan or Positive Support Plan and reviewed regularly through a Child's Planning Meeting.

Failure to comply with the Regulations in such circumstances may render the Local Authority open to legal challenge by the parents or the pupil.

4.3 Length of Exclusion

Senior Leaders are required to resolve exclusions as quickly as possible. Where possible an exclusion should be resolved the following day or day after. However, this may be dependent on the availability of parent, or in some cases other professionals, working with the child, young person or family.

Legislation devolves the length of exclusion to the Local Authority to determine. East Lothian Council have set the maximum period of 10 openings for each exclusion; this is the equivalent of 5 school days or 7 calendar days (whichever comes first) as the maximum period of exclusion in any case.

Exclusion must not span an extended school holiday period. All exclusions should be resolved within the same academic year. A single exclusion should not span more than one academic year even if there are only a few days of the summer term remaining.

A pupil or parent's decision to appeal against an exclusion should have itself no effect on the length of exclusion. Pupils should return to school promptly regardless of the appeal process and timing.

The date of the Support and Next Steps Meeting will be included in the letter of exclusion. Every effort must be made by parents and all professionals to attend. In exceptional circumstances it may be necessary to hold other meetings such as Risk Assessment Meetings prior to the Support and Next Steps which may delay the process.

4.4 Provision of Education during Exclusion Period

Senior Leaders must ensure appropriate arrangements for learning are made during a period of exclusion without 'undue delay'. There is no legislative timescale defining 'undue delay'. The purpose is to continue East Lothian Council's duty to provide education for all their children and young people.

In accordance, appropriate learning materials should be made available to all excluded learners immediately and ideally prior to them leaving the establishment. It is essential that access to education or educational progress is not stalled or hampered as a result of the decision to exclude.

It is important to note that we have a legal duty to provide sufficient support – it is therefore essential to consider learning material carefully to ensure understanding, and that all arrangements include teacher input on the materials provided to the child or young person. It may also be appropriate for teaching contact to be maintained via telephone, email or digital means.

If a learner attends more than one school as part of their education e.g. to access subjects not available in one school, the Headteacher of the other school must be informed of any decision to exclude. An exclusion is only applicable to the school which issued it therefore arrangements regarding attendance at the other school should remain in place unless there is a very serious reason for not attending e.g. health and safety concerns for other learners.

All existing involvement in non-school based learning should continue, especially supports for Additional Support Needs and Mental Health and Wellbeing such as physiotherapy, speech and language therapy and school counselling. This also includes college placements, therapeutic support or mentoring programmes. If the activity takes place in the school it may be necessary to arrange an alternative venue or timetable during a period of exclusion.

In circumstances where an exclusion may affect attendance at an exam or assessment staff must make all reasonable attempts to ensure that the learner is not disadvantaged. Staff should contact the Scottish Qualifications Authority for advice and to progress any arrangements should this be required.

4.5 Intimation of Decision to Exclude

On the date the decision to exclude is made, the following actions are required:

- Parents, if the pupil is under the age of 16, or the young person, if the pupil is over the age of 16; must be made aware of the decision to exclude.
- A date, time and place for a Support and Next Steps Meeting must be specified where a Senior Leader will be available to discuss with the parent, if the pupil is under the age of 16, or the Young Person, if the pupil is over the age of 16, the decision to exclude. The date of the meeting must be within 7 days of the decision to exclude.

The decision to exclude and the information about a meeting can be communicated orally but must be followed up in writing as soon as possible.

A decision to exclude should be communicated to a pupil over the age of 12 years and where practicable, they should also be included and involved in discussions and communications regarding the exclusion including their right of appeal.

Following an exclusion pupils under the age of 16 years must be put into the care of their parent or an authorised adult.

In cases where the decision to exclude involves a young person over the age of 16 years there is no legal requirement to involve parents, but it is good practice to do so.

4.6 Written Notification of Decision to Exclude

As soon as possible after the decision to exclude the following information must be given in writing:

- Reason(s) for the decision to exclude;
- date of exclusion;
- length of exclusion;
- conditions, if any, with which the pupil and his parent, or either, are required to comply, or to undertake to comply, before the pupil will be readmitted to the school;
- the right to refer the decision to exclude to an appeal committee;
- address to which a reference to the appeal committee should be made;
- any other information which the education authority consider appropriate -such as a contact person to discuss any school work provided during the period of exclusion

The information must be sent by post, or handed to the parent by the Headteacher or representative, or by an official of the Education Authority. It should not be given to the pupil where the pupil is under the age of 16 to pass on to the parent. Where the pupil is a young person, aged 16 or over, the information should be given to the pupil in place of the parent.

Template letters can be found in Appendix 1-3 and should be used for the purpose of giving written notification.

In summary template letters should be sent to:

Parents of pupils under 16 years	Appendix 1
Pupils over 12 years	Appendix 2
Pupils over 16 years	Appendix 3

It is important that written information is provided in a timely matter. Verbal information may be difficult to understand immediately or remember fully, especially if the situation is emotionally difficult for parents.

Copies of letters must be stored in the pupil's PPR.

4.7 Support & Next Steps Meeting

A Support and Next Steps Meeting should be held before the child or young person returns to school. This meeting should take place within 5 school days (or 7 calendar days) following the decision to exclude.

This meeting should consider:

- the reasons for the exclusion and what the child or young person was communicating through their behaviour which led to the exclusion;
- the essential partnership between home and the school and how both parties can work together to support the child/young person;
- the strategies and supports that will be implemented to support the pupil on their return should also be discussed and agreed;
- the plan in place to ensure a successful return to school and minimise the risk for future exclusions

Any written records should be filed in the PPR.

A note of the date/time of the meeting and any agreed actions should be recorded on pastoral notes.

The resolution of the exclusion should be recorded in SEEMiS within the 'returning details/conditions' field.

The meeting should be solution oriented and focus on the best interventions and outcomes for the learner. While it may be important for the school to set out some helpful expectations it is important that the Support and Next Steps Meeting is not purely a list of 'do's and don'ts' but is seen as positive and proactive discussion of strategies and interventions to support the pupil's return to school.

The pupil should have a clear understanding of the reasons for the meeting and be given the opportunity to have their views heard and most importantly, understand strategies and supports suggested and agreed.

It is recommended that the numbers of professionals are limited – in most cases there should be no more than two school staff in attendance although it may be necessary to include more where staff are directly involved in delivering support following return to school.

Staff from other agencies and services supporting the pupil may also be invited to the Support and Next Steps meeting, such as the Lead Professional. A large meeting can be intimidating for a pupil and this may inhibit the positive outcome sought.

There is no legal requirement to insist that a parent and/or pupil sign paperwork to indicate agreement to return conditions.

4.8 Failure to Reach Agreement on Re-admission

If the pupil has not been re-admitted to school either through the lack of resolution at the meeting within the time frame set or because the parent is unable to attend the meeting a further date for a meeting should be arranged.

See Appendix 4 and 5 for template letters that should be used in this situation.

Until an exclusion has been concluded in terms of the above procedure, the pupil will be deemed to be trespassing should they enter school premises or playground areas. It is within the discretion of Senior Leaders to contact Police Scotland if the pupil will not leave voluntarily. However, it is important to bear in mind the impact on the pupil of such a decision, especially if they are a child or young person with additional support needs or disability.

The parent may not enrol a child or young person in another school until the exclusion process has been concluded.

If a second resolution attempt is un-successful support and advice should be sought from the school's link Education Support Officer (Inclusion and Wellbeing).

4.9 Part-time timetables and Flexible Learning Packages

As part of an initial support package on return to school it may be appropriate, in particular circumstances, for a pupil to return to school on a part-time basis, or with a flexible learning package

in place. Such an arrangement must be planned, transparent and agreed between the school, parent and pupil.

The Child's Plan must accurately reflect the agreed flexible or part time arrangements. This arrangement should be used for a short and agreed period with the aims around this recorded in the Child's Plan. Decisions on how best to support children and young people should be made by the team around the child and be recorded in a Child and Young Person's Plan.

Records must be kept, including records of attendance which accurately reflect the times that the pupil at home with parental permission. The SEEMiS code "Part Time Timetable – Exclusion Related" (Y-PTX) should be used for any pupils who are returning to school on a part time basis following a period of exclusion.

Further support for the planning of a part-time timetable or flexible learning package can be found in our Attendance Policy.

4.10 Right of Appeal

The right of appeal against the decision to exclude is outlined in the Education (Scotland) Act 1980 and extended to pupils with legal capacity in the Age of Legal Capacity Act (2000). In addition, the Equality Act 2010 provides the right to make an appeal to the Additional Support Needs Tribunal for Scotland in respect of an exclusion where it is considered that there is discrimination in respect of a child or young person's disability.

The right of appeal and how to do this will be outlined in the formal exclusion letter sent following the decision to exclude.

In summary:

Under 16 years old	Parents have a right to appeal in all cases of pupils under the age of 16 years and must be informed of their right to appeal against the exclusion in writing within 7 days of the date of exclusion.
Over 12 years old	It is presumed that a child age 12 or over has sufficient maturity and understanding to appeal. If the child is over 12 years they should be informed of their right to appeal directly in writing within 7 days of the date of exclusion, in addition to informing parents.
Over 16 years old	Young People over the age of 16 years have the sole right of appeal against an exclusion. Pupils over the age of 16 years should be informed of their right to appeal directly in writing within 7 days of the date of exclusion.

It is essential that the exclusion letter provides the address to which an education appeal should be made namely:

- Email: meetings@eastlothian.gov.uk for the attention of The Committees Team
- Post: Democratic & Licensing Services, East Lothian Council, John Muir House, Haddington EH1 3HA.

Appeals will be heard by the Education Appeal Committee within 28 days of receipt of the reference with a further right of appeal to the Sherriff Court.

In cases where it is considered that there is discrimination in respect of a child or young person's disability a 'reference' should be made to the Additional Support Needs Tribunal for Scotland:

- Post: Tribunal Secretary, Tribunals for Scotland, 450 Argyle Street, Glasgow, G2 8LG
- Email: inquiries@asntscotland.gov.uk

Where an appeal has been made against exclusion, this will not affect the return date to school.

Senior Leaders are required to be a witness for the Local Authority at any exclusion appeal thereafter as a witness in any further appeal to the Sheriff Court.

5 Recording and Documentation

The decision to exclude a learner must be recorded in:

- The Pupil Progress Record (PPR) and;
- In the SEEMiS Click and Go Exclusion screen, with details of any investigation carried in out relation to the exclusion and actions agreed following a Support and Next Steps Meeting. and;
- If necessary to add more context beyond what is detailed in the Click & Go Exclusions screen, add this information in SEEMiS Pastoral Notes

Where the decision of an appeal has been to annul an exclusion, information should:

- Be deleted from the learner's PPR, the Exclusions screen in Click & Go (via "Review Exclusions > Remove") attendance in SEEMiS;
- Be 'retired' from latest Pastoral Notes. To completely remove, contact the SEEMiS Support team on SEEMiS@eastlothian.gov.uk;
- Not be disclosed as part of a learner's history.

A written record must be kept of all information regarding the exclusion in the PPR. Written information should include the reasons why the Senior Leader decided on exclusion as a course of action. Comments should be specific and explicit including the names of teachers, dates and times

and any other information that may be deemed to be relevant. This information may, in certain circumstances, be required to substantiate the authority's case in an appeal or the Additional Support Needs Tribunal for Scotland.

Given the legal duty that a child or young person's views are recorded when a significant decision is taken regarding them, they must be given the opportunity, where possible, to have their views documented at the point of exclusion. The views of the learner and the parent should be accurately represented and appropriately taken into account at the Support and Next Steps Meeting.

6 Monitoring

Reducing exclusions is a target for both East Lothian Council and the Scottish Government consequently exclusion figures for each school are monitored closely.

It is expected that Headteachers and Senior Leadership Teams regularly review and monitor exclusions at an individual and school level to inform planning and interventions.

Within the Central Education Team officers meet on a monthly basis to review exclusion data to identify emerging issues and provide early and preventative support.

This policy will be reviewed bi-annually to reflect any changes to National and Local practice.

7 Appendices

Template letters should be issued on school headed notepaper.

Appendix 1: Parents of all pupils under 16 years

Dear [Name of Parent],

TEMPORARY EXCLUSION FROM SCHOOL – [Pupil’s Name and DOB]

I regret to advise you that after careful consideration I have made the decision to exclude [Pupil’s Name] from school for [number] days for the following reason/s:

Give brief description of the behaviour, the circumstances and any other relevant information, including relevant previous incidents or context. Note the relevant codes as outlined in Appendix 6a and 6b.

I therefore consider that to allow [pupil’s name] to continue attendance at school is likely to be seriously detrimental to the order and discipline in school and/or the educational wellbeing of other pupils (Regulation 4(b) of the Schools General (Scotland) Regulations 1975).

It is important that we meet as soon as possible to discuss the circumstances that led to the exclusion. At this Support and Next Steps Meeting we will also plan how we can all work together to support [pupil’s name] to have a positive experience in school in the future and agree any conditions for readmission. I will meet with you and [pupil’s name] on [date, time and place].

Please contact the school to let us know you can attend this meeting or wish to make other arrangements. In the meantime, [pupil’s name] must not attend school, be present in the school grounds or take part in any school activities until the exclusion has been resolved.

To ensure [pupil’s name] continues to access education learning materials will be provided by [email/hard copies sent home with pupil]. If you have any questions regarding the work provided to be completed please contact [name of person to contact].

To ensure [pupil’s name] continues to benefit from [insert and special arrangements that need to be made e.g. school meals/therapeutic sessions/school counselling] the following arrangements will be made [insert arrangements for the provision of Free School Meals or therapeutic sessions].

You have the right to appeal this exclusion to the Education Appeal Committee. If you wish to appeal you should do so in writing to:-

- Email: meetings@eastlothian.gov.uk for the attention of The Committees Team
- Post: Democratic & Licensing Services, East Lothian Council, John Muir House, Haddington EH1 3HA.

If you consider there has been disability discrimination in respect to this exclusion you have the right to make a reference to the Additional Support Needs Tribunal for Scotland:

- Email: inquiries@asntscotland.gov.uk
- Post: Tribunal Secretary, Tribunals for Scotland, 450 Argyle Street, Glasgow, G2 8LG

Yours sincerely

[Insert Signature and Designation]

Appendix 2: Pupils over 12 years and under 16 years

Dear [Name of Pupil],

TEMPORARY EXCLUSION FROM SCHOOL – [Pupil’s Name and DOB]

I enclose a copy of a letter which has been sent to your parents. This informs them that you have been excluded from school and the reason for the exclusion.

It is important that we meet as soon as possible to discuss the circumstances leading to the exclusion and plan how we can all work together to support positive behaviour in school and agree any conditions of readmission.

I will meet with you and your parents on [date, time, and place]. Please contact the school to let us know you can attend this meeting or to make other arrangements.

In the meantime, you must not attend school, be present in the school grounds or take part in any school activities until the exclusion has been resolved. You or your parents have the right to appeal this exclusion to the Education Appeal Committee. If you wish to appeal you should do so in writing to:

- Email: meetings@eastlothian.gov.uk for the attention of The Committees Team
- Post: Democratic & Licensing Services, East Lothian Council, John Muir House, Haddington EH1 3HA.

If you consider there has been disability discrimination in respect to this exclusion you have the right to make a reference to the Additional Support Needs Tribunal for Scotland:

- Email: inquiries@asntscotland.gov.uk
- Post: Tribunal Secretary, Tribunals for Scotland, 450 Argyle Street, Glasgow, G2 8LG

Yours sincerely

[Insert Signature and Designation]

Appendix 3: Pupils over 16 years

Dear [Name of Pupil]

TEMPORARY EXCLUSION FROM SCHOOL – [Pupil’s Name and DOB]

I regret to advise you that you that after careful consideration, I have today made the decision to exclude you from school for the following reason/s:

[Give brief description of the behaviour, the circumstances and any other relevant information, including relevant previous incidents or context. Note the relevant codes as outlined in Appendix 6a and 6b. There should be enough information to enable the young person to understand why they have been excluded.]

It is my view that to allow you to be in school would seriously affect the order and discipline in the school and/or the wellbeing of other children and young people who attend.

It is important that we meet together as soon as possible to discuss the exclusion, plan how we can all work together to support positive behaviour in school and agree any conditions for your return to school.

I will meet with you on [date, time and place]. It would be very helpful if you could have a look at the questions on the back of this letter before you come to the meeting. You may find it helpful to go over these questions with your parent or someone who you know well.

In the meantime, you must not attend school, come into the school grounds during the school day or take part in any school activities until the exclusion has been resolved. Arrangements will be made to [insert any special arrangements that will be made for school meals, therapeutic intervention, school counselling etc.]

You have the right to appeal this exclusion to the Education Appeal Committee. If you wish to appeal you should do so in writing to:-

- Email: meetings@eastlothian.gov.uk for the attention of The Committees Team
- Post: Democratic & Licensing Services, East Lothian Council, John Muir House, Haddington EH1 3HA.

If you consider there has been disability discrimination in respect to this exclusion you have the right to make a reference to the Additional Support Needs Tribunal for Scotland:

- Email: inquiries@asntscotland.gov.uk
- Post: Tribunal Secretary, Tribunals for Scotland, 450 Argyle Street, Glasgow, G2 8LG

Yours sincerely

[Insert Signature and Designation]

Helpful questions for you before the Support and Next Steps Meeting to discuss your return to school meeting.

Why were you excluded from school?	
What were the circumstances prior to the incident outlined above?	
What is going well for you at school?	
What is not going well?	
What can you do to make sure you are not excluded again?	
What can the school do to make sure you are not excluded again?	
Is there anything your parent can do to help?	
Is there anyone else you would like to help you?	

Appendix 4: Unresolved Exclusion - Failure to keep appointment for a Support and Next Steps Meeting

Dear [Name of parent/pupil],

UNRESOLVED TEMPORARY EXCLUSION FROM SCHOOL – [Pupil’s Name and DOB]

I refer to my letter of *date* and to our meeting on *date* to discuss the exclusion of [Name of Pupil] from school and am sorry you were unable to attend.

[Name of Pupil] remains excluded from school. As you are aware the decision to exclude was made due to:

[Brief description of the reasons for the exclusion. Repeat the paragraph from the exclusion letter here].

It is important that we meet as soon as possible to resolve the exclusion and plan how we can all work together to support positive behaviour in school. I will meet with you on [date, time and place]. Please contact the school to let us know you can attend this meeting or to make other arrangements.

In the meantime, [Pupils Name] must not attend school, be present in the school grounds or take part in any school activities until the exclusion has been resolved.

You have previously been advised of the right to appeal this exclusion to the Education Appeal Committee.

If you wish to appeal you should do so in writing to: -

- Email: meetings@eastlothian.gov.uk for the attention of The Committees Team
- Post: Democratic & Licensing Services, East Lothian Council, John Muir House, Haddington EH1 3HA.

If you consider there has been disability discrimination in respect to this exclusion you have the right to make a reference to the Additional Support Needs Tribunal for Scotland:

- Email: inquiries@asntscotland.gov.uk
- Post: Tribunal Secretary, Tribunals for Scotland, 450 Argyle Street, Glasgow, G2 8LG

I look forward to meeting you on [date]

Yours sincerely

[Insert Signature and Designation]

Appendix 5: Unresolved Exclusion - Failure to reach agreement following support and next steps meeting

Dear [Name of parent/pupil],

UNRESOLVED TEMPORARY EXCLUSION FROM SCHOOL – [Pupil’s Name and DOB]

I refer to our meeting which took place on [Date] at which we failed to reach agreement with regards to [Name of Pupil] re-admittance to school. (Pupil’s name) remains excluded as a result. As you know, the reason for the decision to exclude is:

[Brief description of the reasons for the exclusion. Repeat the paragraph from the exclusion letter here].

It is important that we meet as soon as possible to resolve the exclusion and plan how we can all work together to support positive behaviour in school. I will meet with you on [date, time and place]. Please contact the school to let us know you can attend this meeting or to make other arrangements.

In the meantime, [Name of Pupil] must not attend school, be present in the school grounds or take part in any school activities until the exclusion has been resolved. Alternative education provision has been made for [Name of Pupil] [state what alternative arrangements have been made].

You have previously been advised of the right to appeal this exclusion to the Education Appeal Committee. If you wish to appeal you should do so in writing to:

- Email: meetings@eastlothian.gov.uk for the attention of The Committees Team
- Post: Democratic & Licensing Services, East Lothian Council, John Muir House, Haddington EH1 3HA.

If you consider there has been disability discrimination in respect to this exclusion you have the right to make a reference to the Additional Support Needs Tribunal for Scotland:

- Email: inquiries@asntscotland.gov.uk
- Post: Tribunal Secretary, Tribunals for Scotland, 450 Argyle Street, Glasgow, G2 8LG

I look forward to meeting you on [date]

Yours sincerely

[Insert Signature and Designation]

Appendix 6: Exclusion Circumstances and Motivations

Exclusion Circumstances:

Fighting

Verbal abuse of pupil

Verbal abuse of staff

General or persistent disobedience

Insolent or offensive behaviour

Refusal to attend class

Fire raising

Parental non-cooperation

Substance misuse – not alcohol

Substance misuse – alcohol

Spitting

Damage to school property

Threat to school property

Indecent exposure

Sustained peer exclusion for the purpose of causing significant distress

Physical assault with no weapon against pupil

Physical assault with no weapon against staff

Physical assault using weapon against pupil (Please identify weapon. e.g. knife, knuckleduster)

Physical assault using weapon against staff (Please identify weapon. e.g. knife, knuckleduster)

Physical assault using improvised weapon against pupil

Physical assault using improvised weapon against staff

Damage to personal property of pupil

Damage to personal property of staff

Theft from pupil

Theft from staff

Threat of sexual violence against pupil

Threat of sexual violence against staff

Threat of physical violence, no weapon, against pupil

Threat of physical violence, no weapon, against staff

Threat of physical violence using weapon or improvised weapon, against pupil

Threat of physical violence using weapon or improvised weapon, against staff

Threat to personal property against pupil

Threat to personal property against staff

Malicious communications against pupil

Malicious communications against staff

Slander and libel (incl. website) against pupil

Slander and libel (incl. website) against staff

Stalking of pupil

Stalking of staff
Extortion from pupil
Extortion from staff
Other

Exclusion Motivations:

Racial
Gender
Homophobia/Sexual orientation
Disability of victim
Religion
Sectarian
Substance misuse - alcohol
Substance misuse - not alcohol
Territorial/gang related
Assailant medical condition/disability
Other known factor
Not known

Appendix 7: Key considerations prior to deciding on exclusion

Key Considerations
Has the pupil been excluded before? What was impact of this?
Does this pupil have an identified Additional Support Need or Disability?
Is this pupil care experienced, or are there child protection concerns?
Has there been clear assessment of the pupil and their needs?
Have additional support / interventions been provided for the pupil?
Have alternative arrangements been made for the pupil prior to the exclusion? e.g. curriculum alternatives, temporary placement in base, use of virtual learning
How can the child's planning framework be utilised to support this pupil?
Has the incident that precipitated the consideration of exclusion been reviewed with all staff who were present to explore fully what happened?
Has another professional from within the school who is not directly involved, been consulted on the situation in order to provide a different perspective?
Has the pupil been consulted on their view of the situation?
Has Pupil Support/Guidance/Key worker, or if available, Lead Professional been consulted?
Has the possible impact of exclusion on the pupil been considered in light of individual circumstances?
Does the pupil's recent presentation constitute a wellbeing concern?
What might the impact of an exclusion be on the pupil's wider circumstances?
Has a risk assessment been completed for the pupil if appropriate?
What are the hoped for outcomes of an exclusion? Are there other alternatives that might achieve this?
Has there been consideration given to length of exclusion to ensure it is proportionate and in best interests of pupil?
Does the exclusion comply with the Regulation 4 of the 1975 regulations as amended?
Have the rights of the child or young person been considered, with regard to articles of UNCRC?

Appendix 8: Key considerations when considering Individual Circumstances

Key Considerations
Care Experienced
Has the Lead Professional/Social Worker been consulted prior to decision?
Have appropriate arrangements been made with regard to support/care and wellbeing at home?
Have you had a supportive conversation with the Education Support Officer for Care Experienced Children and Young People about the circumstances of this exclusion?
Child Protection Register
Has the Designated Manager for Child Protection been consulted?
Has the Named Social Worker been consulted?
Have appropriate arrangements been made with regard to ensure we are meeting our safeguarding responsibilities?
Additional Support Needs and Disability
Have other professionals involved been consulted on continuation of any additional input for child?
Has significant consideration been given that the pupil is not being excluded for reasons associated with disability?
Has significant consideration been given to ensure that the pupil is not being excluded for reasons associated with a protected characteristic?
Has account been taken of impact of exclusion on the pupil's learning and support provision?
Has consideration been given to review of any Child's plan or Coordinated Support Plan?
Socioeconomic deprivation
Has consideration been given to the impact on child's wellbeing, e.g. free school meals or Maintenance Allowance? Can arrangements be put into place to ensure entitlements?

Appendix 9: Checklist following decision to exclude

Checklist following decision to exclude	Completed
Full consideration to the impact of exclusion on the child or young person has been given, and checklists outlined in Appendices 7 and 8 have been consulted	
Social worker and/or duty social work team to be informed as soon as possible of intention to exclude for Care Experienced Children and Young People and those on the Child Protection register	
Pupil informed verbally of exclusion	
Parents informed verbally of exclusion	
<p>Pupil collected from school by a responsible adult.</p> <p>*Children and young people on the Child Protection Register must not leave school until safety, health and wellbeing assured and appropriate arrangements are in place.</p> <p>If parents cannot be contacted/collect child or young person must be supervised at school until suitable arrangements can be made</p>	
Written confirmation of exclusion made to parents of children under 12 year within 2 days of exclusion and must include date/time/place of support and next steps meeting and right of appeal and address to send appeal (Appendix 1)	
Young People over the age of 12 should be informed in writing (Appendix 2/3) with parents copied in	
Record exclusion on SEEMiS	
If appropriate Ensure RIVO is completed accurately with details of pre and post incident	
All documents relating to exclusion to be retained in Pupil's Progress Record	
Appropriate educational provision to be provided and monitored, e.g. course work, access to library, online learning	
Arrangements for pupil to access any existing support made (out with school if necessary)	
Arrangements for the pupil to receive their free school meal	
Contact person allocated for parent/young person to liaise for educational provision	

Appendix 10: Checklist to support return to school

Checklist to support return to school	Completed
School representatives have meet or discussed with parent and child or young person – <i>re-admission to school not dependant on this taking place</i>	
Appropriate planning has taken place to ensure support is provided	
Risk assessment is completed, where appropriate	
Positive Support Plan, reviewed and updated as appropriate	
The needs of staff and other children or young people have been taken into account – solution oriented/ restorative meeting held where appropriate	
Flexible package of support agreed and implemented where appropriate	
Any changes to timetable for limited period recorded on SEEMiS	
Staged intervention processes continued and adapted in light of exclusion	
Consideration given to discussion at multi-agency forum	
Pupil Support/Guidance/Key worker or Lead Professional (where one exists) has monitoring and review arrangements in place to ensure continued support	